Notice of Allowability	Application No.	Applicant(s)	
	09/816,558	BENDER ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Amendment filed on* .

2. ☒ The allowed claim(s) is/are *Claims 5, 7-12, 14-16, 18-21, 23 and 24 renumbered 2,1,3-,8, 14, 9-13, 15 and 16 respectively*.

3. ☒ The drawings filed on *6/25/01* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Attached Copy

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alex Chen on 10/5/04.

The application has been amended as follows:

Claims 1-4, 6, 13, 17 and 22 have been canceled.

Claims 5, 7, 15, 18 and 23 have been amended as described in the attached copy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

October 5, 2004

Attached copy

5. The method of claim 7, further comprising:

determining a particular level of interference to achieve for at least one transmission source; and

identifying one or more interfering transmission sources contributing to the interference, and

wherein the assigning is performed to achieve the particular level of interference for the at least one transmission source.

7. A method for transmitting data from a plurality of cells in a wireless communication system, comprising:

defining time slots for a plurality of cells to transmit data to access terminals on a code division multiple access (CDMA) channel, wherein each time slot corresponds to a predetermined time interval;

associating the time slots with N different phases, wherein N is greater than one, wherein each successive group of N time slots includes N time slots respectively associated with the N different phases;

selecting a data transmission rate for at least one cell;

based on the selected data transmission rate, staggering data transmissions by (a) assigning a first set of one or more cells to transmit data in a first phase of the N phases and (b) assigning a second set of one or more cells to transmit data in a second phase, wherein a higher selected data transmission rate corresponds to a lower number of cells assigned to a phase; and

enabling each cell to transmit data on the channel in the cell's assigned one or more phases, and preventing each cell from transmitting data on the channel in phases not assigned to the cell.

15. A method for transmitting data from a plurality of cells in a wireless communication system, comprising:

defining time slots for data transmission, wherein each time slot corresponds to a predetermined time interval to allow receipt of an acknowledgement or a negative acknowledgement;

associating the time slots with N phases, wherein N is greater than one;

assigning each of the N phases to a respective set of one or more cells for a particular duration of time;

enabling data transmission at each of the plurality of cells on one or more phases assigned to the cell;

identifying, from among the plurality of cells, a disadvantaged cell experiencing excessive interference;

identifying one or more interfering cells contributing to the excessive interference; and

assigning the one or more interfering cells to different phases than the phase assigned to the disadvantaged cell.

18. The method of claim 7, wherein the particular data rate is a lowest data rate supported by the communication system.

23. An access point in a wireless communication system, comprising:

a data processor configured to receive and process a data packet to provide a plurality of slots; and

a controller operatively coupled to the data processor and configured to direct transmission of the data over a plurality of time slots assigned to the access point to one or more access terminals on a code division multiple access (CDMA) channel, wherein each time slot corresponds to a predetermined time interval; to associate the time slots with N different phases, wherein N is greater than one, wherein each successive group of N time slots includes N time slots respectively associated with the N different phases; to select a data transmission rate; based on the selected data transmission rate, to stagger data transmissions with respect to other access points; and to prevent transmission over one or more time slots designated for no transmission by the access point.